

By: Menéndez

S.B. No. 97

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offense of unlawful disclosure or promotion of intimate visual material.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.16(b), Penal Code, is amended to read as follows:

(b) A person commits an offense if:

(1) without the effective consent of the depicted person and with the intent to harm that person, the person [~~intentionally~~] discloses visual material depicting another person with the person's intimate parts exposed or engaged in sexual conduct;

(2) the person knows or has reason to believe that the visual material was obtained by the person or created under circumstances in which the depicted person had a reasonable expectation that the visual material would remain private;

(3) the disclosure of the visual material causes harm to the depicted person; and

(4) the disclosure of the visual material reveals the identity of the depicted person in any manner, including through:

(A) any accompanying or subsequent information or material related to the visual material; or

(B) information or material provided by a third party in response to the disclosure of the visual material.

1 SECTION 2. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 governed by the law in effect on the date the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense was
8 committed before that date.

9 SECTION 3. This Act takes effect September 1, 2019.